



TOWN OF DOVER ZONING BOARD OF APPEALS MEETING

Monday, April 14, 2025

The Town of Zoning Board of Appeals held a regular meeting at 7:00 pm on April 14, 2025 with the following members present:

Debra Kaufman, Chair
Joseph Tchorzyk
Jacob Troupe
Joanne Yager

In attendance: Zoning Board of Appeals Attorney Michael Liguori, ZBA Secretary, Marilyn Van Millon; Richard Zapp (Wenglowski)

Call Meeting to Order/Pledge of Allegiance at 7:00 PM

**Member Tchorzyk motioned to acceptance of the December 9, 2024 Meeting Minutes
Second by Member Troupe; All in favor**

**Motion of Open the Public Hearing was made by Member Tchorzyk;
Second: Member Troupe: All in favor**

Public Hearing

**Wenglowski Subdivision
Parcel: 7261-00-002513**

**Property Location: 246-252 SE Mountain Road, Wingdale, NY
Application for: Two Area Variances**

Mr. Zapp This application was referred to the ZBA by the Planning Board for two area variances; one for the acreage, 1.2 acres, on lot 3 because they are trying to draw a line between existing structures and one because of the limited frontage on SE Mountain Rd for lot 2, which has about 77 ft of frontage; the applicant would like to subdivide his property into three lots; there are existing structures involved; two lots will have existing structure and the third lot will have a garage. No new improvements are proposed. **Chairwoman Kaufman** questioned the lot line between lot 2 and 3 and if there was a way to adjust it for less of an impact. **Mr. Zapp** if we had to we could but we considered this the best fit, it could go behind the existing dwelling on lot 2, we were trying not to do that, it is has to do with the driveway improvements **Chairwoman Kaufman** what are they going to use the garage for? **Mr. Zapp** it is for the owner's private use as a garage. **Chairwoman Kaufman** I believe for an accessory building you have to have a principal residence, you need to do more research on that. **Mr. Zapp** The Planning Board did not have an issue with it. It could be further developed in the future **Chairwoman Kaufman** was the deed with the U.S. cleaned up. **Mr. Zapp** the surveyor reviewed it, determined that he could remove it from the plan and has it taken off, all the property is owned by our client. **Member Tchorzyk** asked about the wells on lot 1 and 2 and the septic on lot 3 **Mr. Zapp** currently it is connected to the well on lot two but we will be proposing that there will be a well on lot 3 when

we make the application to the Health department. **Attorney Liberati** the principal residence issue on lot #3 is a Planning Board issue, if they want to put a restriction on lot 3, the Public Hearing should stay open; another variance may be needed; the ZBA should definitely wait until SEQRA is done by the Planning Board and Lead Agency has been established; as for the ownership dispute, it would be preferable for the ZBA to see some documentation. **Mr. Zapp** at this point we have the certified survey, the surveyor reviewed the situation and because both deeds show ownership fully on this property by Mr. Wenglowski, the only part would be in question is the part of the parcel that overlaps onto the Federal lands, that is not part of this. The owner pays taxes on both pieces and we know that the town has concerns about that, I know Mr. Zarecki had a conversation with him and the surveyor took it off the map according to what the deeds says. **Member Tchorzyk** I am surprised it was allowed to be sold with that dispute. **Mr. Zapp** when he purchased the property it came with both deeds. The only disputed area is the parcel above that is on the Federal land. That is why the surveyor took it off, that portion is not in dispute. **Member Tchorzyk** even though there are two deeds. **Mr. Zapp** the Federal Government has no claim to the land that in on his property and that is why they agreed to take it off the survey. The Federal government doesn't own anything on this parcel. The deed says that Mr Wenglowski owns land that is on the federal land; not the federal government owns land on Mr. Wenglowski parcel. **Member Tchorzyk** okay.

Chairwoman Kaufman motioned to continue the Public Hearing to May 12, 2025

Second by: Member Troupe; All in favor

Future Scheduled Meetings

May 12, 2025 (deadline April 2, 2025)

June 9, 2025 (deadline May 19, 2025)

Motion to ADJOURN at 7:15PM was made by Member Tchorzyk; second by Member Yager; all in favor.